IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

Daphne R. Holness

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

The Leading Hotels of The World, Ltd.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment Discrimination

CV 17 - 1396

Case No. ____________________
(to be filled in by the Clerk's Office)

Jury Trial: ☑ Yes ☐ No
(check one)

RECEIVED
MAR 09 2017
PRO SE OFFICE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: Daphne R. Holness
Street Address: 559 East 84 Street
City and County: Brooklyn, Kings
State and Zip Code: New York 11236
Telephone Number: (646) 841-7166 / (718) 531-1604
E-mail Address: Drholness@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name: The Leading Hotels of The World, Ltd
Job or Title (if known): Coordinator Accounting
Street Address: 485 Lexington Ave, Suite 401
City and County: New York
State and Zip Code: New York 10017
Telephone Number: (212) 515-5600
E-mail Address (if known): jnewman@lhw.com

Defendant No. 2

Name: ________
Job or Title (if known): ________
Street Address: ________
City and County: ________

State and Zip Code __________

Telephone Number __________

E-mail Address (if known) __________

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name The Leading Hotels of the World, Ltd

Street Address 485 Lexington Ave

City and County New York

State and Zip Code New York 10017

Telephone Number 212 515 5600

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☑ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law *(specify the federal law)*:

____

☐ Relevant state law *(specify, if known)*:

____

☐ Relevant city or county law *(specify, if known)*:

____

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☑ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: ______________________________

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

November 14, 2016

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race ______________________
- ☐ color ______________________
- ☐ gender/sex ______________________
- ☐ religion ______________________
- ☐ national origin ______________________
- ☑ age. My year of birth is 1954. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

____

E. The facts of my case are as follows. Attach additional pages if needed.

I am a 62 yrs old woman that was employed by The Leading Hotels of The World, Ltd. I have a great track record for finishing targets and maximized collection. At time of termination there was job posting for Accounts Receivable Manager (to supervised the accounting) which I am qualified for. Prior ~~there~~ to that, there were several individuals that are younger that were hired. It was a pattern for the company to terminate ~~people~~ employees between age fifties and sixties. They then change job titles and hired younger individuals.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.) Kindly find attached additional pages and two other supporting documents

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

November 17, 2016

B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
- ☑ issued a Notice of Right to Sue letter, which I received on *(date)* December 19, 2016.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☑ 60 days or more have elapsed.
- ☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

My years of employment at the company I have contributed to the tremendous growth and success, I respectfully asked that I will be compensated finicially by awarding me in the amount of (two million) dollars, since I will not get my job back, and I am having difficulties finding a new job. I didn't get any severance.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 9, 2017

Signature of Plaintiff [signature]

Printed Name of Plaintiff Daphne R. Holness

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622

Daphne R. Holness
559 E. 84 Street
Brooklyn, NY 11236

Re: *EEOC Charge No. 520-2017-00455*
Holnes v. The Leading Hotels of the World

Dear Ms. Holnes,

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. The procedures apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

We have evaluated your charge based upon the information you submitted, and have determined that further investigation will unlikely result in a determination that Respondent violated one of the federal laws enforced by the Commission. Therefore, your charge will be dismissed.

Attached is your Dismissal and Notice of Rights. If you want to pursue this matter further in federal court, your lawsuit must be filed within 90 days of your receipt of the Notice.

Please contact Investigator Sarina Shaver at (212) 336-3776 if you have any questions.

Sincerely.

[signature] for
Kevin J. Berry
District Director

12/12/16
Date

Enclosure(s):
EEOC Form 161, "Dismissal and Notice of Rights"
Copy of EEOC handout, "Facts About Filing"

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EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Daphne R. Holness**
559 E. 84 Street
Brooklyn, NY 11236

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
520-2017-00455	**Sarina L. Shaver, Investigator**	**(212) 336-3776**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

12-9-16
(Date Mailed)

Enclosures(s)

cc: **Judy Neumann**
Director of Human Resources
THE LEADING HOTELS OF THE WORLD LTD
485 Lexington Avenue
New York, NY 10017

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

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Brooklyn, NY 11236

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cc: **Judy Neumann**
Director of Human Resources
THE LEADING HOTELS OF THE WORLD LTD
485 Lexington Avenue
New York, NY 10017

(1)

I am a 62 yrs old woman that was employed by The Leading Hotels of The World, Ltd. 485 Lexington Ave, Suite 401 New York, New York 10017 for 20 yrs.

I have a great track record for finishing targets and maximized collection.

I was terminated at a time when the company was ~~seeking~~ hiring several new employees and also Temporary Workers.

I am pursuing this age discrimination charges, because looking back at my track record, It have left a bad taste in my mouth, knowing that it is a pattern for the company to terminate employees who are between a specific age group; then change the job title they were doing and hired younger individuals doing the same job. I speak highly of the department I was hired to work - Accounting Finance.

When I joined the company, I was assured of equal opportunity and growth. So far this assurance was never fullfilled. When I spoke about it I was penalized.

(2)

I feel I was been discriminated against because of my age, lesser inexperienced individuals were hired, with ~~managerial~~ managerial titles and lesser experienced employees were promoted above me. I was in the same position for the 20 yrs, though I had applied for other jobs ~~in~~ the department and out side of the department, but was denied. I invested the best part of my life in this company as one of the most recognized collection team (See Attached Copy) yet I wasn't rewarded as such.

The growth of our company then had opened new doors in China, which five new individuals were hired for a goal of fifty million dollars ($50 million) for year 2020 therefore having my position terminated is quite not what was said. This hiring took place in July 2016

During the 20 yrs I spent at the leading hotels of the world, ltd. I have obtained a four years college degree. I also attended several job training courses off site which I not rewarded for. (3)

Discrimination in the workplace regarding age is not lawful, therefore I have confidence in Court that this matter will satisfactorily resolved.

I herewith attache two (2) copies with detail information to my claim.

[signature]

Daphne R. Holness
March 9, 2017

Daphne Holness

From: Ted Teng
Sent: Thursday, July 07, 2016 9:21 AM
To: Everyone-NY; Everyone Regional
Subject: New Hires in New York Specialists on China Strategy

Dear Colleagues,

Please join me in welcoming five new employees who will join our team in New York City. The majority will start on today, Thursday, July 7 while others will start later. These colleagues will work on China-related projects with partners from our key functional disciplines in New York and China. This is a new program, which will develop over time, and these five individuals are uniquely qualified for this role given their deep knowledge of the China market, specifically tied to insights and work experience in the hotel market and with Chinese travelers. This program is anticipated to play a critical role in realizing LHW's China Strategy 2020.

Evidence of the Chinese market's growing value to LHW and its future potential can be seen in a quick look to recent numbers: in the last five years, LHW's revenue from China grew from $1 million to $10 million. Our goal for 2020 is $50 million from this market. Simultaneously, the demand from Chinese outbound travelers for LHW member hotels has grown significantly, with Chinese luxury travelers rapidly increasing in number and sophistication. While LHW is well-positioned with its range and quality of member hotels in key locations outside of China, we must develop new capabilities and perspectives to better attract and serve Chinese luxury travelers. It is imperative for LHW to:

- Build out China-specific distribution and payment solutions for LHW and member hotels;
- Provide the know-how and customer insights to member hotels in terms of how to best serve Chinese travelers;
- Increase the number of member hotels in the right location with the right owners in China; and,
- Promote the LHW brand and history in China, clarifying our brand promise.

Our newly appointed Specialists, China Strategy are:

- **Hanxun (Hanson) Zhang**
  Hanson was a summer intern for LHW Analytics & Reporting, working with Hakan in 2015. Born in Shanghai, China and a recent graduate of Cornell University, Hanson's past professional experiences include PwC, HLB International Hodgson Impey Cheng (an internationally acclaimed professional accounting and business advisory firm), and Banyan Tree Hotels & Resorts. An avid traveler, Hanson has visited more than 15 countries. He also enjoys cooking and tasting great wines. During Hanson's school years, he was a tenor in an acapella group.

- **Jialin (Elvin) Li**
  Elvin was born in Tsingtao, Shandong province, China. He received his undergraduate degree in Applied Economics from University of Minnesota, Twin Cities, and his Master of Management in Hospitality from Cornell University. His professional work experiences include Horwath HTL in Tokyo, The Breakers Palm Beach, Qingjian Real Estate Group, and Macy's. During his down time, Elvin enjoys scuba diving, basketball, taking photos and traveling.

- **Zhongyi (Ilona) Zhang**
  Born in Shanghai, China, Ilona obtained her undergraduate degree from East China Normal University in Shanghai. A recent graduate of Cornell University's Master of Management in Hospitality, Ilona has gained her work experiences from the Las Vegas Economic Impact Regional Center focusing on hotel and resort pre-

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opening, Japan Airlines and Singapore Airlines. Ilona enjoys working out at the gym, singing karaoke and meeting new people.

- **Zhongzhe (Clint) Liu**
  Clint was born in Chaozhou, Guangdong province, China. He received his Bachelor of Administrative Management degree from University of International Relations in Beijing, China. After working for two years, he pursued his Master of Management in Hospitality from Cornell University. Clint has gained work experiences from 21c Museum Hotel in Louisville, KY, Guangzhou Shangmian Co. Ltd., Grand Hyatt in Guangzhou, China, and Mandarin Oriental in Sanya, China. Fluent in both Mandarin and Cantonese, Clint appreciates fine arts from paintings to sculptures and architectural designs. He enjoys listening to British pop music, cooking and visiting unique hotels around the world.

- **Qinghaiyan (Qing) He**
  Born in Sanmenxia, Henan province, China, Qing was most recently a winter extern at LHW, rotating from Interactive Marketing, APAC Revenue Strategy, Human Resources, and Corporate Development. He graduated from East China Normal University in Shanghai, and received his Master of Management in Hospitality degree from Cornell University. Qing's work experiences include working in Junzhan Hotel in Xi'an, China as a Sales Manager and Walt Disney World in Orlando, Florida as a Rotational Intern. During his down time, Qing enjoys reading poems and Chinese literature and tea-tasting.

Hanson, Elvin, Ilona, Clint and Qing will engage with LHW team members, hotel members and partners within China in cross-functional projects and business initiatives in support of China Strategy 2020, including a target revenue growth of $40 million in the next five years. The key projects include:

- Directing interested member hotels to point their websites to LHW.cn as an alternative to creating a separate Chinese website;
- Engaging and enrolling member hotels to accept ***UnionPay*** debit and credit cards as payment;
- Creating and designing a Chinese-relevant welcome amenity program for interested member hotels;
- Developing a Chinese culture familiarization program for interested LHW hoteliers;
- Identifying and qualifying local cultural and destination experts for Chinese leisure travelers in major destinations to support our B2B clients and reduce dependency on DMCs;
- Creating and compiling bespoke destination guides highlighting unique travel experiences to attract Chinese luxury travelers, including the collection of hotel content, local itineraries, and culinary experiences;
- Sourcing and enrolling high potential travelers in China for Leaders Club;
- Creating a China-specific membership enrollment strategy, toolkit and marketing collateral for potential Chinese owners; and,
- Identifying potential member hotels in China.

Please join me in congratulating and welcoming Hanson, Elvin, Ilona, Clint and Qing on their new role.

Best regards,

Ted

Ted Teng
President and CEO

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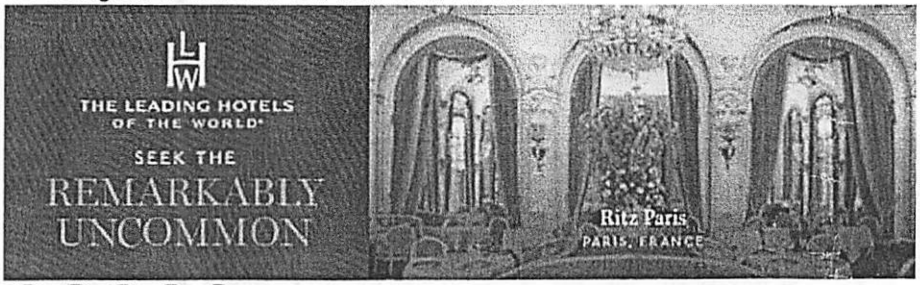
Ted Teng
President and CEO

tteng@lhw.com
Tel: 1-212-515-5602
485 Lexington Avenue, Suite 401, New York, NY 10017


THE LEADING HOTELS
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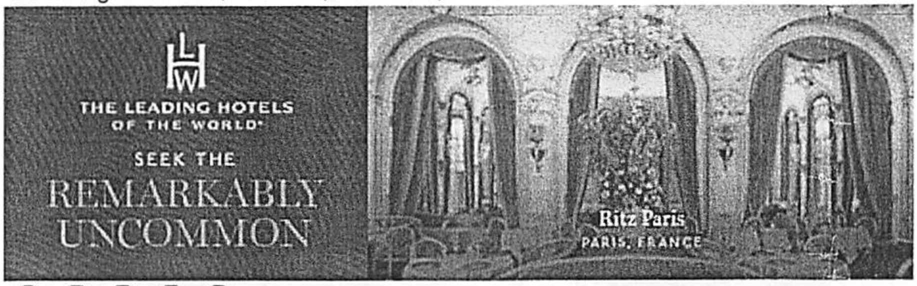
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PARIS, FRANCE

Daphne Holness

From: Daniel Neumann
Sent: Friday, February 14, 2014 2:44 PM
To: Jonathan Aiello; Hea Jin Kim; Patricia Kendall; Nella Traps; Daphne Holness; Ramon Calderon (Luzern); Ramon Calderon (Luzern); mirvete guda; Jackie Wicks (London Office); Deniz Omurgonulsen; Susan Ziluca; Annie Chen; Directors Business Performance
Cc: Diana Austin-Lyons
Subject: Accounts Receivable

Dear fantastic collection team,

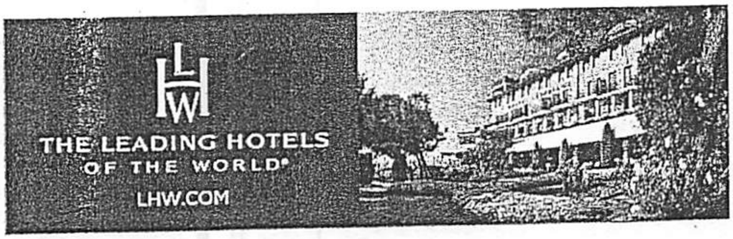
I want to say a HUGE thank you to all of you for your assistance, in whatever way, in reducing substantially our outstanding accounts receivable from hotel members. During 2013 as team we were able to reduce the total accounts receivable from $10,900,000 at the end of 2012 to $7,550,000 as of the end of 2013. That is $3,350,000. WOW!!!!!!!!!!!!!!!

Thank you and please continue the great efforts. I really appreciate everyone's help.

Warm regards,

Dan

Daniel Neumann
Senior Vice President &
Chief Financial Officer
The Leading Hotels of the World, Ltd.
485 Lexington Avenue, Suite 401
New York, NY 10017
dneumann@lhw.com
Tel 212-515-5642



Daphne Holness

From: Daniel Neumann
Sent: Friday, February 14, 2014 2:44 PM
To: Jonathan Aiello; Hea Jin Kim; Patricia Kendall; Nella Traps; Daphne Holness; Ramon Calderon (Luzern); Ramon Calderon (Luzern); mirvete guda; Jackie Wicks (London Office); Deniz Omurgonulsen; Susan Ziluca; Annie Chen; Directors Business Performance
Cc: Diana Austin-Lyons
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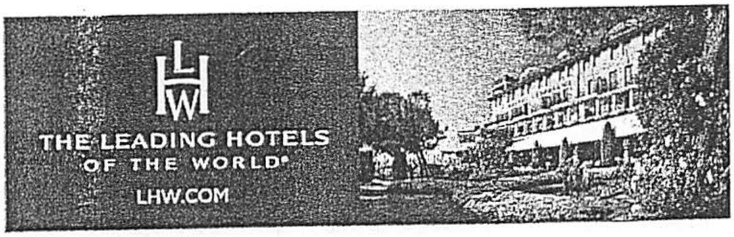Daniel Neumann
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